

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY  
COUNCIL HELD WEDNESDAY, OCTOBER 3, 2001**

**Mayor and Council Present:** Mayor Merle Cole. Council Members: Byron Anderson, Craig Anderson, Kevin Hall, Justin Linares, and Karen Watson.

**Appointed officers and employees present:** Wendy Palmer, City Recorder, Attorney Ronald Elton.

**Citizens and Guests:** Shane Ault, Tom Eason, James Christensen, Paul Rupp, Gail Knickerbocker, John Knickerbocker, Dean Williams, Brian Wittwere, Pat Yadon, Alan Johnson.

**PUBLIC HEARINGS:**

Mayor Cole opened the public hearing to receive comment on the Planning Commissions recommendations for amending the building set back requirements for all zoning districts. Craig stated that the Planning Commission wanted to create uniformity in all zoning districts as they relate to the building setbacks. The RR-1 zone and R1-21 zone required 20-foot side yards on each side this was reduced to 15-feet on each side. Craig and Kevin stated that the idea was to narrow the side yards and clarify the combined side yard statement. Kevin reflected on his experience with the Anderson Ranch Developers and they miss interpreted the difference between the minimum side yard requirement and the combined side yard requirement in setting their lot sizes. Justin stated that he would save his comments for the ordinance adoption for later on the agenda. Mayor asked for any further comment. No further comment being offered the Mayor closed the public hearing at 7:05 p.m.

Mayor Cole opened the public hearing to receive comment on the consideration of potential eligible projects for which funding may be applied under the CDBG Small Cities Program for 2002-2003. It was explained that the grant money must be spent on projects benefiting primarily low and moderate-income persons. The Wasatch Front Regional Council, in which Grantsville City is a member, was expecting to receive approximately \$300,000 in this new program year. All eligible activities that can be accomplished under this program are identified in the CDBG Application Guide and interested persons can review it at anytime. Mayor Cole then read several of the eligible activities like low to moderate-income housing, water, sewer, fire stations etc. Mayor Cole indicated that in the past Grantsville City has received funding for water line projects, sidewalk projects and housing. The city has submitted it capital investment plan as part of the regional "Consolidated Plan." Mayor Cole asked for any comments or suggestions. No public comment was offered. Mayor stated that the city is considering waterline projects that are included in the Consolidated Plan. The hearing was adjourned at 7:10 p.m.

**APPROVAL OF THE MINUTES:** Kevin made the motion to approve the minutes of the previous City Council meeting held 9-5-01 as amended grammatically. Craig seconded the motion. All voted in favor, motion carried.

**ALAN JOHNSON- HERITAGE GROVE REQUEST TO CHANGE THE BOUNDARIES OF PHASE ONE:** Mr. Johnson stated that he would like to make the lot designated for church phase 1a and the remainder of the original phase 1 to be changed to phase 1 b. Mr. Johnson would like to be able to sewer the church lot to the west into South Willow Estates Subdivision. Mayor and Council gave Alan direction to provide the engineering, he would also need to present an amendment to his development agreement, and he still needs to turn over the water rights. He would need to provide these document in advance of placement on a Council Agenda so that staff and Attorney can review them prior to consideration of the Council.

Alan asked for an update on the modeling for the sewer on Worthington Street. Mayor stated that the modeling is only about half way done. Alan asked if the city was planning to bond for the sewer line extension up Worthington Street. No answer was given.

### **CONSIDERATION OF NEW BUSINESS LICENSES:**

- a. **Mike Warr, 180 N. Taylor Road- Mobile Welding Service:** Craig made the motion to approve the business license based on the approval and conditions of the conditional use permit to Mike Warr, 180 N. Taylor Road – Mobile Welding Services. Kevin seconded the motion. All voted in favor, motion carried.
- b. **Ted Fields, 814 E. Saddle Road-Handyman Service:** Craig made the motion to approve the business license for T.R. Handy Man Service at 814 E. Saddle Road I based on the approval and conditions of the Conditional Use Permit. Kevin seconded the motion. All voted in favor, motion carried.

**CONSIDERATION OF MINOR SUBDIVISION ON THE CORNER OF QUIRK AND DURFEE STREETS:** Pat Yadon is requesting approval of a minor subdivision from one lot into two lots on the corner of Quirk and Durfee Streets. Craig stated that the Planning Commission has approved this subdivision. Craig made the motion to approve the minor subdivision for Pat Yadon. Justin seconded the motion. All voted in favor, motion carried.

### **CONSIDERATION OF SALARY STEP INCREASE:**

Mayor Cole reviewed the letter of recommendation for salary step increase for Officer George Huber, from Police Chief Danny Johnson. Karen stated that Mr. Huber does an excellent job for our city. The rest of the Mayor and Council agreed. Karen made a motion to approve the salary step increase for George Huber from grade 13 step 3 to grade 13 step 4. Byron seconded the motion. All voted in favor, motion carried.

**CONSIDERATION OF PROPERTY ISSUES AT 378 W. CLARK STREET:** Karen stated that she does not have any further information. Karen stated that she feels it is important to try and obtain this property for our city. The property consists of 61 acres and they are asking \$800,000. Kevin stated that the property owners are not including the irrigation or underground water as part of the selling price. The Mayor and Council felt that this property would be historically valuable to purchase for our city. Mayor suggested that Karen prepare a letter to the property owners and ask that they consider the city as benefactor of the house and buildings. Kevin stated that maybe we could negotiate something with the property owners to let the city have the front portion of the property and we would provide for a right of way for the property in the rear.

**CONSIDERATION OF WATER IMPACT FEES:** Mayor stated that Judd Lawrence gave him the new worksheets last night and had not gotten copies out to the Council yet. It was determined to table this issue until the next meeting and the Council can review the new worksheets.

**CONSIDERATION OF CHALLENGE TO CONDITIONAL USE PERMIT FOR WILLOW ELEMENTARY SCHOOL:** Mayor stated that he feels the school should install curb and gutter along Willow Street. Craig stated that the curb & gutter is not a safety issue unless you are planning on parking in front of the building. Craig stated that he felt that the curb & gutter would actually create a water problem for the school because the curb & gutter would channel the water run off from the street into their driveways. Craig stated that he felt that this area of town is rural and curb & gutter is not a rural amenity. Karen stated that the school wants to put the curb & gutter in and we should let them do it. Steve West, construction manager for the school stated that the school district is concerned about the safety issues of the ice from the drainage swail. Justin stated that he couldn't see that we gain anything from installing curb and gutter along 600 feet of property with no curb & gutter to connect to. Kevin agreed with Justin and Craig stating that this area of town is rural and the curb & gutter would not fit with that area. When you have curb & gutter you have to have the water go somewhere and there is no storm drain plan. Justin stated that we are putting major subdivision in without curb and gutter. Craig stated that the church on Durfee Street that has curb & gutter and it looks out of place. Byron stated that in paragraph two of the letter from the school would effect their detention basin it could increase runoff onto neighboring properties. Byron made a motion to approve the requirement of curb & gutter on Willow Elementary School. Karen seconded the motion. In favor: Karen and Byron. Opposed: Craig, Kevin, and Justin. Motion failed. Craig made the motion to require that the school engineer the road swail to match what is existing. Seconded by Justin. All voted in favor except for Karen who opposed.

## **CONSIDERATION OF ORDINANCE AND RESOLUTIONS:**

- a. **Consideration of ordinance to amend the Land Use Management Code as it relates to secondary water requirements and adopt a formula for figuring the average irrigated acre:** This item was postponed.
- b. **Consideration of amendment of the Land Use Management Code amending the building set back requirements for all zoning districts.** Justin suggest that in RR-5 and A- rear yard at 7.5 minimum we should require the same change for the RR-1 zone. Justin questioned the side yard consistency for the R1-21 to be too large compared to the other like zones. The way the proposed change for sideyard is written is places the R1-21 zone with the RR-1 and the RR-5 zone. If you require 15 feet of sideyard on each side of your home that eats up 30 feet of the buildable area of your lot. If you have an 80-foot lot that leaves 50' of buildable width. I suggest that we reduce the sideyard requirement to 10 feet on each side. Justin stated that the sentence of the "Total of the two sideyards should equal" is not of any value now that the sideyards are required to be the same minimum on both sides of buildings. Justin stated that he has discussed this issue with the Zoning Administrator and she felt good about his suggestion. Craig made mention of an issue that the Planning Commission suggested to change is that any corner lot must be a minimum of 10,000 square feet. This rule would be for any new subdivision of land in the future. This issue will have to be on the next agenda for consideration because it is not a written ordinance before us. We need to clarify the requirement of sideyard for accessory buildings as well. Attorney brought out the inconsistency of the accessory buildings being allowed to build within 4 feet of the sideyard. Justin made the motion to adopt Ordinance 2001-13 as amended as follows: Change all sideyard requirements for main buildings to state "each side" at the end of the sentence. Change the R1-21 zone sideyard requirement from 15 feet to 10 feet. Change the RR-1 zone rear yard setback for accessory buildings are reduced to 7.5 feet. Strike the sentence "The total of two side yards." Seconded by Craig. All voted in favor, motion carried.

## **AFFORDABLE HOUSING PLAN AND CONSIDERATION OF TOOEELE COUNTY HOUSING AUTHORITY REQUEST FOR CDBG SPONSORSHIP:**

Mayor explained that Tooele County Housing Authority received grant funding for this plan and Mr. Jim Wood completed for Grantsville City. This document is complete needs to be adopted by Ordinance. This will be on the next agenda.

Mayor explained that Tooele County Housing Authority is basing their request for sponsorship on the basis of providing additional affordable housing. It was the consensus of the Mayor and Council that the city would focus on the water projects for this year. Recorder stated that the city has money invested into two lots in Grantsville City that will become a revolving funding process specifically for LMI housing availability. Byron made the motion to decline to sponsor the Tooele County Housing Authority for this CDBG funding year. Karen seconded the motion. All voted in favor, motion carried.

**REPORT ON UTAH LEAGUE OF CITIES AND TOWNS CONFERENCE:** Mayor stated that there was some good information that came out of this conference particularly the annexation process requirement by December 2002. This item is on the Planning Commission agenda. Byron stated that the water issues were excellent and we have talked about before. Byron explained that the water has to stay with the land and Utah is one of the few states that did not have this law. Kevin stated that issue has always been his belief. Kevin made example of the J. Reuben Clark property being marketed without the water makes the land useless. Attorney Elton stated that he doesn't believe that the plan needs to be done until there is an application for annexation. Mayor and Byron stated that the ethics class was very good.

**REPORT ON LAND USE LAW CONFERENCE:** Mayor asked Attorney Elton and Councilman Anderson to report on their conference experience. Craig stated that he enjoyed this conference. The interesting timing of it was that in good times the developers develop in communities and make money and when times are hard the developers sue. There are landmark decisions are that changes the development climate all of the time.

Ron stated that typically the enabling statutes that authorize zoning are based on health and safety. We now can zone to protect a tax base, foster industry including agriculture and aesthetics. Constitutional taking issues were discussed. A Supreme Court case

concerning the damage of property that would be considered a taking only if the damage was considered permanent. There has been some cases concerning legislative actions. You have to show or argue that your decision will promote public interest and that is not very hard to show that. If it is administrative decisions you have to show substantial evidence to support your decisions. I learned that the Planning Commission must have a public hearing on any amendment to the subdivision ordinance and no public hearing on zoning ordinances. This is completely backwards and I feel that we need to lobby the legislature to change that state law. Ron stated that the minutes must reflect the rezoning for what zoning law changes are based on. The book handed out was excellent. The Mayor and Council requested that Shauna pursue purchasing enough books for the Board of Adjustments, Planning Commission and City Council.

#### **AWARD BID FOR CONSTRUCTION OF AN ELECTRIC SIGN AT CITY**

**HALL:** Motion by Karen to award the bid for electric sign for the Grantsville City Hall for a 3'X5" by 11'X5" pylon electric sign to include a payment and performance bond for the amount of \$34,891.00 plus cost of bond. Craig seconded the motion. All voted in favor, motion carried.

**OLD LINCOLN HIGHWAY CELEBRATION:** Byron stated that the celebration was a great success. They thanked the Fireman and the Ladies Auxiliary for the fantastic meal. The Old Car group and the Lincoln Highway group enjoyed their visit. Craig stated that we should thank Rosemary Anderson for opening up the museum many of them went through the museum.

**CONSIDERATION OF SETTING A SPECIAL CITY COUNCIL MEETING TO CANVAS THE PRIMARY ELECTION RESULTS:** Karen made the motion to set the special meeting for canvassing the election results. For Monday October 8, 2001 at 4:00 p.m. Craig seconded the motion. All voted in favor, motion carried.

**APPROVAL OF BILLS:** Byron made the motion to approve the bills. Craig seconded the motion. All voted in favor, motion carried.

**OTHER BUSINESS:** Byron stated that the gazebos have been ordered and the engineers are drawing the landscape.

Justin suggested that the city look into installing a better fence around the storage tank for the South Willow Well. There is only a cattle fence around it. All of the other water storage tanks have chain link fences. Justin wondered about the time frame for repairing the roads after they have been excavated for water and sewer installation. There are a couple of cuts in our roads that have been open for a couple of months. Recorder Palmer stated that occupancy of the home is held up until the road cuts are repaired. It was determined to put this item on the next agenda for review and consideration of including a specific time frame.

Karen explained that each Council Member has a new personnel policy and procedure manual in front of them for review. There are some changes that were recommended by the city's liability company. This will be on the November council agenda for adoption.

Mayor stated that he was very disappointed in the Tooele Transcripts article concerning the Amtrak train wreck. This article mentioned everyone from Terra to Bountiful except for Grantsville City Fire and Police Departments. Our Fire Department was 2<sup>nd</sup> on the scene and actually managed the crash area. When I was traveling in the past couple of weeks I have witnessed two separate communities that have manned refuse transfer stations. Mayor suggested that Craig organize another green clean for the fall clean up. Craig stated that he would do that. Mayor informed the Council that he attended a meeting with the Tooele Army Depot where they have described the increase in security and precautions due to the September 11, 2001 bomb attacks in New York.

Craig stated that he has contacted a person that would be willing to write grants for the city at \$35.00 per hour. Mayor stated that the city needs to get more active in this area.

#### **EXECUTIVE SESSION TO DISCUSS LITIGATION AND ACQUISITIONS:**

Kevin made the motion to retire into an executive session to discuss litigation and acquisitions: Craig seconded the motion. All voted in favor, motion carried. 10 40 p.m.

**Mayor and Council Present:** Mayor Merle Cole. Council Members: Byron Anderson, Craig Anderson, Kevin Hall, Justin Linares, and Karen Watson.

**Appointed officers and employees present:** Wendy Palmer, City Recorder, Attorney Ronald Elton

Kevin made the motion to return to the regular City Council meeting at 11: 00 p.m. Craig seconded the motion. All voted in favor, motion carried.

**ADJOURN:** Craig made the motion to adjourn this City Council meeting. Karen seconded the motion. All voted in favor, motion carried.

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Wendy Palmer, City Recorder

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Merle E. Cole, Mayor